

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MAXIM JAMES CULBEAUX,

Case No. 25-cv-1253 (LMP/DTS)

Petitioner,

v.

B. EISCHEN, Warden, and FPC
DULUTH

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Respondents.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz, entered April 14, 2025. ECF No. 5. The R&R concludes that Petitioner Maxim James Culbeaux’s petition for a writ of habeas corpus, ECF No. 1 (“Petition”), should be denied and dismissed for two primary reasons. *See* ECF No. 5 at 2–5. First, the R&R finds that Culbeaux has not exhausted his administrative remedies, which is a prerequisite to seeking habeas relief pursuant to 28 U.S.C. § 2241. *Id.* at 2–3. Second, the Petition otherwise challenges the conditions of Culbeaux’s confinement rather than the fact or duration of his confinement, and thus “habeas corpus is not the proper vehicle for Culbeaux to bring his claims.” *Id.* at 3–5. Separately, Culbeaux filed an application to proceed *in forma pauperis* (“IFP Application”). ECF No. 6.

There is no objection to the R&R, so the Court reviews it for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam); *see* Fed. R. Civ. P. 72(b). The

Court finds no error in the R&R and adopts it in full. As a result, Culbeaux's IFP Application is denied as moot.

ORDER

Based on the foregoing, and on all the files, records, and proceedings in this matter,

IT IS HEREBY ORDERED that:

1. The R&R (ECF No. 5) is **ADOPTED**;
2. Culbeaux's Petition (ECF No. 1) is **DENIED**;
3. Culbeaux's IFP Application (ECF No. 6) is **DENIED** as moot; and
4. This matter is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 16, 2025

s/Laura M. Provinzino
Laura M. Provinzino
United States District Judge